GPT/Custer Spur EIS
c/o CH2M Hill
1100 112th Ave. NE Suite 400
Bellevue, WA 98004

January 15, 2013

RE: Gateway Pacific Terminal/Custer Spur EIS Scoping Comment

The American Fisheries Society (AFS) is dedicated to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals. As a student chapter of AFS at Western Washington University of young and upcoming fisheries scientists, our AFS Chapter has concerns about the proposed Gateway Pacific Terminal and below outline adverse impacts that are important to address in the scope of the Environmental Impact Statement in order to ensure that this terminal and all associated operations will not have significantly negative impacts on our local fisheries and aquatic environment. Our concerns we request to be addressed include artificial night lighting, underwater noise, vessel traffic, coal dust/cargo spillage, nearshore habitat impacts, and economic impacts to local fisheries.

Artificial Lighting

Statement and Rationale for Concern:
Little is known or understood about the effects of artificial night lighting on aquatic organisms. Artificial lighting at night could have adverse impacts on aquatic organism in terms of predator-prey interactions, water column positioning, and more for organisms that regulate or rely on lighting for daily activities.

Recommendations: Conduct studies on the effects of artificial lighting on sensory perceptions, as well as migration, forage, and spawning behavior of forage and other fish, such as herring. Asses potential shifts in species abundance due to increased prey access under artificial lighting. Consider alternative artificial lighting options to minimize impacts, such as angle and type of lights used.

Applicable Regulations:
Chapter 90.58 RCW Shoreline Management Act of 1971
Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines.
Washington Department of Ecology Shoreline Management. Accessed January 10, 2013 at http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-16.html

Underwater Noise

Statement and Rationale for Concern: Construction and operations of this terminal would add to the surface and underwater noise at Cherry Point and along the associate vessel traffic route. Underwater noise is known to adversely affect marine mammals and finfish, including Pacific Herring, which utilize Cherry Point as an important spawning habitat. Surf smelt, bull trout, Puget Sound Steelhead trout, Chinook salmon, and three species of protected rockfish are known to use the Southeast Georgia Straits and Cherry Point region and are all listed as either Threatened or Endangered under the Endangered Species Act and could be affected by increased noise from GPT construction and associated operations.

Recommendations: Assess current surface and underwater sound levels along the shoreline at Cherry Point and compare with the projected additional noise levels that would be generated from the proposed terminal and associated vessel traffic to determine overall effects on aquatic organisms, especially those mentioned above. Consider alternative vessel routes to minimize impacts to marine organisms.

Applicable Regulations:
U.S. Endangered Species Act: http://www.nmfs.noaa.gov/pr/laws/esa/, http://www.fws.gov/endangered/.
Marine Mammal Protection Act: http://www.nmfs.noaa.gov/pr/laws/mmpa/
Magnuson-Stevens Fishery Conservation and Management Act: http://www.nmfs.noaa.gov/sfa/magact/
Chapter 70.107 RCW Noise Control.
Chapter 90.58 RCW Shoreline Management Act of 1971
Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines
See Washington Department of Ecology, Noise Pollution: http://www.ecy.wa.gov/laws-rules/noise.html.

Vessel Traffic Safety

Statement and Rationale for Concern: SSA Marine's Gateway Pacific Terminal proposed to use cape-size ships. Vessel failure as well as collisions and allisions are likely given the local geography, the large increase of annual vessel traffic associated with the terminal, and that the maneuverability of these ships is difficult. If a collision were to occur, it is likely that large amounts of cargo and/or oil would spill into the Sound and have adverse affects on marine biota.

Recommendations: Examine potential risk of increasing vessel traffic and the risk associated with the type of vessels used to export coal and other bulk commodities. Safety plans should be in place and able to adequately respond to a cape-size ship failure to prevent running aground and spillage. Washington State needs to have tugboats powerful enough to handle these large ships and be stationed close enough to the vessel

route to respond in time to prevent disaster. The Salish Sea has many organisms that could be severely affected, and may adversely affect fisheries and harm the region economically.

Applicable Regulations:
Clean Water Act.
Oil Pollution Act of 1990.
Endangered Species Act.
Migratory Bird Act.
Chapter 90-56 RCW Oil and Hazardous Substance Spill Prevention and Response
Chapter 90.58 RCW Shoreline Management Act of 1971
Chapter 173-182 WAC Oil Spill Contingency Plan
Chapter 173-26 WAC State Master Program Approval/Amendment Procedures and Master Program Guidelines
Chapter 220-150 WAC Ballast Water Management. Accessible online at http://apps.leg.wa.gov/wac/default.aspx?cite=220-150
Chapter 77.120 RCW Ballast Water Management. Accessible online at http://apps.leg.wa.gov/rcw/default.aspx?cite=77.120

Coal Dust/Cargo Spillage

Statement and Rationale for Concern: Coal dust and cargo spillage may impact marine resources at Cherry Point and the surrounding Salish Sea region. Coal and coal dust specifically have the potential to reduce the availability of light, alter sediment, and clog respiratory and feeding organs. The toxicity of coal dust and coal leachates additionally could have adverse impacts to aquatic organisms.

Recommendations: Fugitive coal will be an issue at the Gateway Pacific Terminal as no prior terminal has proven to completely control this, therefore it is important to take all precautions to minimize and mitigate the effects of fugitive coal dust to marine organisms. GPT proposes to export other bulk commodities that could also have adverse impacts if spilled into the marine environment. These affects should be examined and measures taken to reduce the risk of such occurrences.

Applicable Regulations:
The U.S. Environmental Protection Agency's (EPA) Clean Water Act (CWA)
EPA Clean Air Act (CAA).

Nearshore Habitat Impacts

Statement and Rationale for Concern: Construction of and the pier itself, shoreline armoring structures, filled intertidal areas, increased vessel traffic, anchored vessels, vessel prop wash, bulk commodity shipping and handling, and loading/offloading of cargo that may lead to spills or releases into the marine environment are all causes of

concern to nearshore habitat at Cherry Point. Wave energy and scouring, hydrology, nearshore sediment drift processes are additionally likely to be impacted as the three existing piers at Cherry Point have already impacted the shoreline in these ways. Sediment habitat for bivalves and substrate for submerged aquatic vegetation (light attenuation and sediment and turbidity, shading) could smother these organisms or provide inadequate habitat for bottom dwellers. Dungeness crab habitat, including the female refuge area identified off the shelf at Cherry Point, nearshore migration routes for juvenile salmonids, potential loss of submerged aquatic vegetation habitat, alteration or degradation in intertidal beach characteristics could affect forage fish spawning, and alteration or destruction of the salt marsh at Gulf Road could all be adversely affected due to GPT construction and operations and thereby degrade important habitat for marine organisms that are important biologically and economically.

Recommendations: Structures should use designs to minimize impact to wave energy, nearshore sediment drift, and aquatic/riparian vegetation. Any constructed structure along the shoreline should promote natural marine ecosystem processes. Consideration for potential climate change alterations in addition to historical conditions should be taken into account. Climate change may impact changes in direction and rate of sediment transport, wave energy, tidal heights, and water chemistry may impact overwater structures along the shoreline. Examine and monitor before, during, and post terminal construction for sediment quality, submerged aquatic vegetation, shellfish, fish, and other biota in the nearshore and intertidal marine environments.

Applicable Regulations:

Chapter 90-56 RCW	Oil and Hazardous Substance Spill Prevention and Response
Chapter 90.58 RCW	Shoreline Management Act of 1971
Chapter 173-182 WAC	Oil Spill Contingency Plan
Chapter 173-26 WAC	State Master Program Approval/Amendment Procedures and Master Program Guidelines
Chapter 220-110 WAC	Hydraulic Code Rules:
Chapter 220-110-230	Saltwater technical provisions.
Chapter 220-110-240	Tidal reference areas.
Chapter 220-110-250	Saltwater habitats of special concern.
Chapter 220-110-270	Common saltwater technical provisions.
Chapter 220-110-271	Prohibited work times in saltwater areas.
Chapter 220-110-280	Bulkheads and bank protection in saltwater areas (non-single family residence).
Chapter 220-110-290	Saltwater boat ramps and launches.
Chapter 220-110-300	Saltwater piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings.
Chapter 220-150 WAC	Ballast Water Management

Economic Impacts to Local Fisheries

Statement and Rationale for Concern: Given the concerns outlined above, there are a number of adverse impacts that could directly or indirectly affect local fisheries due to noise, artificial lighting, toxicity, increased vessel traffic, and other associated activities due to the construction and operation of the terminal. This could have in turn negative impacts on local fisheries, both sport and commercial, and the economy.

Recommendations: Assess the adverse impacts to local fish, shellfish, and crab populations and economic impacts to associated sports and commercial fishing.

Applicable Regulations:
The U.S. Environmental Protection Agency's (EPA) Clean Water Act (CWA)
EPA Clean Air Act (CAA)
Chapter 90.58 RCW Shoreline Management Act of 1971
U.S. Endangered Species Act
Chapter 90.58 RCW Shoreline Management Act of 1971
Magnuson-Stevens Fishery Conservation and Management Act:
http://www.nmfs.noaa.gov/sfa/magact/

Thank you for taking the time to assess our comments.

Sincerely,

WWU AS American Fisheries Society

Jordan Head *(President)*
Laura Junge *(Vice President)*
Eleanor Hines *(Secretary)*